

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

KENNETH E. ZAYDEL, SR.

PLAINTIFF

v.

CAUSE NO. 1:12CV37 LG-JMR

WALMART, INC., ET AL.

DEFENDANTS

ORDER OF DISMISSAL

THIS MATTER is before the Court *sua sponte* for consideration of dismissal.

This case was filed in February 2012 by the Plaintiff, and at the same time Plaintiff requested leave to proceed *in forma pauperis*. The Magistrate Judge recommended denial of the *in forma pauperis* application because Plaintiff did not adequately establish pauper status. (Report and Recommendation, ECF No. 3) The Report and Recommendation was mailed to Plaintiff at his address of record, but it was returned to the Court as undeliverable. (ECF No. 4). An Order to Show Cause mailed to the Plaintiff on June 6, 2012 was also returned as undeliverable. (ECF No. 6).

Fed. R. Civ . P. 41(b) provides that “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.” The Court may also *sua sponte* dismiss the action for failure to prosecute or for failure to comply with a court order. *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998). Litigants have a continuing obligation under the Local Rules to notify the clerk of court of address changes. See Unif. Loc. R. 11(a). Plaintiff has failed to inform the Court of his apparent address change. The

Court is therefore of the opinion that Plaintiff's complaint should be dismissed pursuant to FED. R. CIV. P. 41(b).

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's complaint is **DISMISSED** without prejudice pursuant to FED. R. CIV. P. 41(b).

SO ORDERED AND ADJUDGED this the 26th day of October, 2012.

s\ Louis Guirola, Jr.
Louis Guirola, Jr.
Chief U.S. District Judge